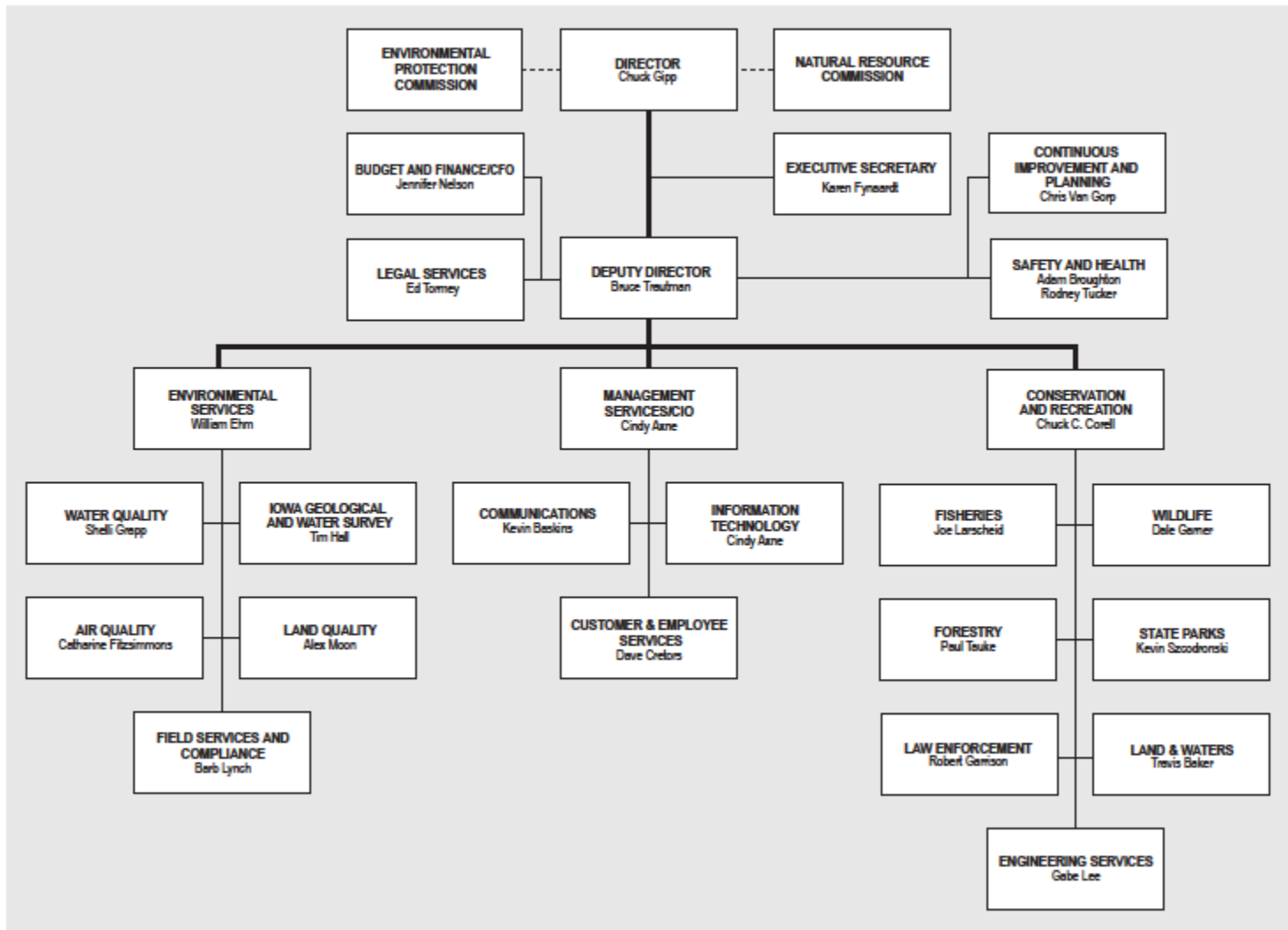


Protecting Iowa's Air, Land, and Water through Coaching, Assistance, and Enforcement

- Ted Petersen
- Supervisor - Des Moines
Field Office
- Field Services & Compliance
Bureau
- Environmental Services Division



DEPARTMENT OF NATURAL RESOURCES



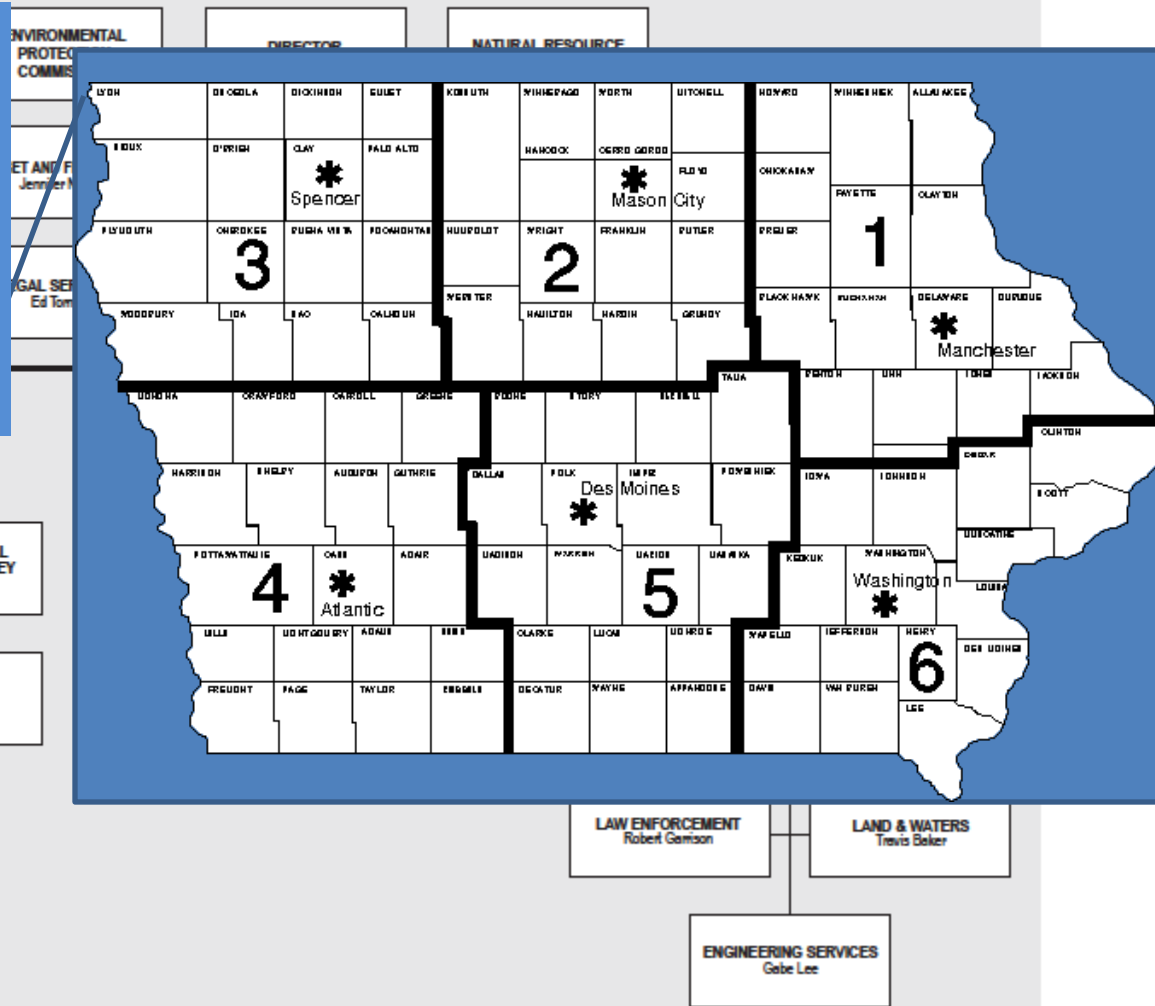
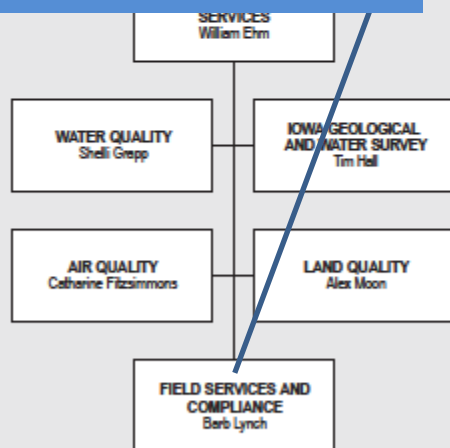
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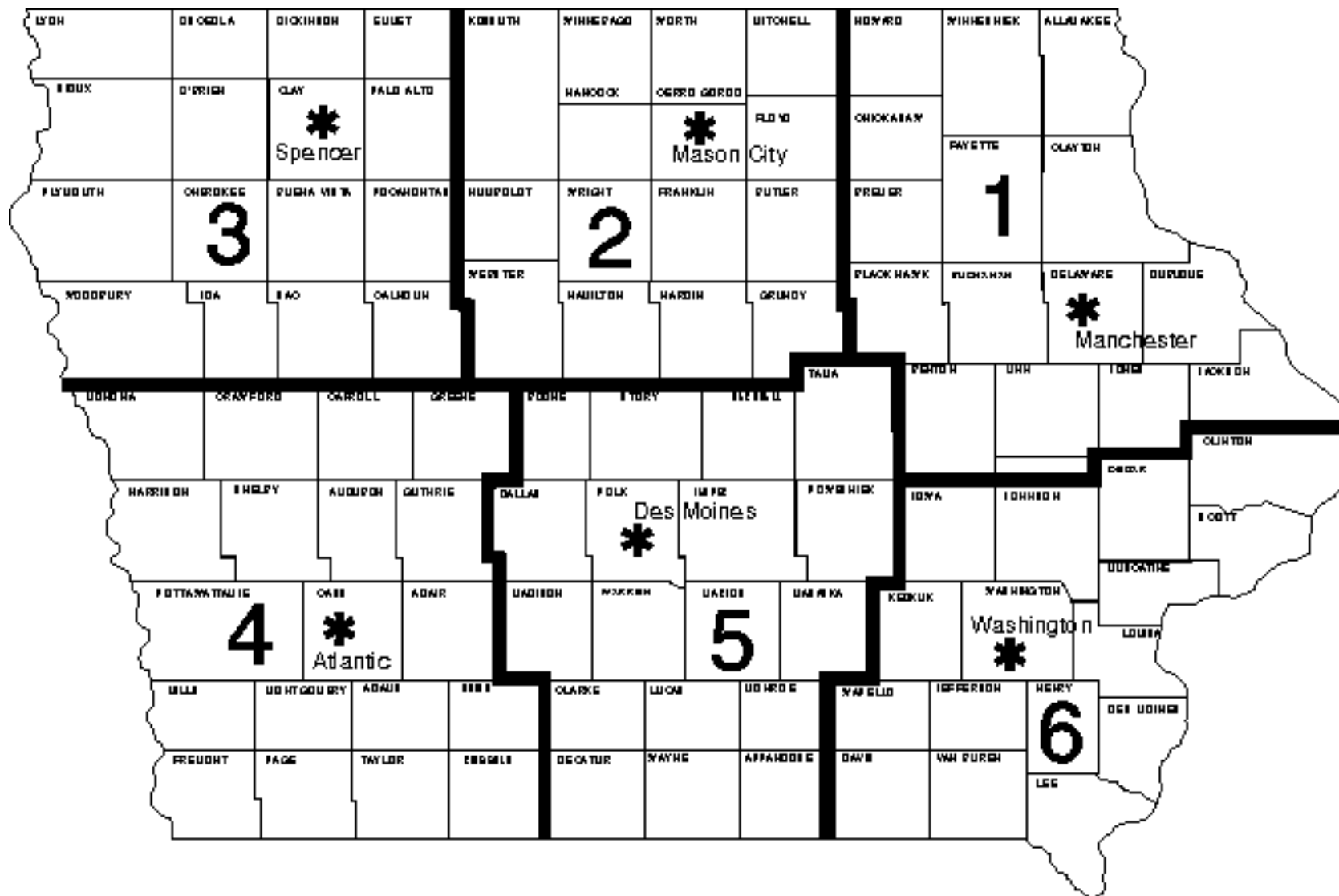
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Field Services & Compliance Bureau



Updated: 7/2013





FIELD SERVICES & COMPLIANCE BUREAU – WHAT WE DO

- **Routine Compliance Inspections**
- **Concerned Citizen Inquiries/Investigations**
- **Emergency Response – Hazardous Incidents**
- **Coaching**
- **Technical Assistance**
- **Enforcement**

FIELD SERVICES & COMPLIANCE BUREAU – WHAT WE DO

Highlight

- **Coaching**
- **Technical Assistance**
- **Enforcement**

FIELD SERVICES & COMPLIANCE BUREAU – WHAT WE DO

Coaching

Provide accurate information to the responsible party so that they can make decisions that best fit their situation

- Stakeholder work groups
- Client contact meetings
- New regulation outreach

FIELD SERVICES & COMPLIANCE BUREAU – WHAT WE DO

Technical Assistance

- Networking
- Visits (non-inspection)
- Training workshops
- Staff expertise

FIELD SERVICES & COMPLIANCE BUREAU – WHAT WE DO

Enforcement

- Common sense approach to determining compliance
- Utilizing traditional compliance tools
- Seek enforcement action when appropriate

Compliance Tools

DNR' Traditional Compliance Tools:

- Letters
- Inspections / Report
- Notice of Violation
- Administrative Order

Development of Chapter 17



Development of Chapter 17

- Began in late 2011

Why is it needed?

- Identify all the compliance and enforcement tools
- External understanding of the process
- Increased consistency

What is Chapter 17?

- Effective March 13, 2013

What it is...

- Illustration of the available compliance/enforcement tools
- Provides the basic framework
- Still emphasizing assistance

What is Chapter 17?

What it is NOT...

- Not a hierarchy of the Departments actions
- Not a one size fit all...still have discretion

What is Chapter 17?

Compliance/Enforcement Tools Identified in Chapter 17

- Informal Meetings
- Letter of Inquiry
- Letter of Noncompliance
- Notice of Violation

What is Chapter 17?

Informal Meeting

- Purpose - Resolve potential violations or obtain additional info.
- Focus on a potential deficiency and resolve by exchanging info.
- Post inspection mtg. or rescheduled event
- E.g. Updated safety data sheets

What is Chapter 17?

Letter of Inquiry (LOI)

- Purpose is to allow the regulated entity the opportunity to provide information
- Seek specific information that will aid in the compliance determination
- E.g. record keeping calculation was remedied by providing additional information

What is Chapter 17?

Letter of Noncompliance (LNC)

- No environmental harm or threat to human health or safety has occurred or is imminent
- Regulated entity is not a repeat offender
- Provides an opportunity to correct deficiencies prior to further enforcement activity
- May suggest remedial measures and set a date for compliance
- E.g. such as a single incident of late reporting

What is Chapter 17?

Notice of Violation (NOV)

- When environmental harm or a threat to human health or safety has occurred or is imminent
- The regulated entity is a repeat offender
- The violation is considered significant
- The NOV identifies the violation and any corrective action
- E.g. documented exceedance of permit limit

What is Chapter 17?

Department Discretion

- Case by case review
- DNR can move directly to NOV
- Or even an Administrative Order if necessary
- Facilities with a violation history, egregious actions
- E.g. Deliberate release of a harmful substance to river which resulted in fish kill.

What is Chapter 17?

Summary

- Clearly identifies the compliance/enforcement framework
- Those using the tools have a better sense of how/when to apply each tool
- Consistently make accurate compliance and enforcement determinations
- Continue to provide assistance and educate
- Take enforcement actions when appropriate

What is Chapter 17?

Summary

- The regulated public will have a better understanding of the process
- Reduce instances of noncompliance
- Minimize the duration of noncompliance

Resources

- IAC 567 - Ch. 17
- <https://www.legis.iowa.gov>

Questions?



www.iowadnr.gov
Photo by: Clay Smith

Ted Petersen
DNR Field Office 5
401 SW 7th, Suite I
Des Moines, IA 50309
Phone: (515) 725-0274
ted.petersen@dnr.iowa.gov

